



FINAL
FISCAL NOTE

Drafting Number: LLS 09-0324**Date:** June 22, 2009**Prime Sponsor(s):** Sen. Harvey
Rep. Gardner C.**Bill Status:** Postponed Indefinitely**Fiscal Analyst:** Sara McPhee (303-866-4782)

TITLE: CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON WHO MAKES AN UNLAWFUL ENTRY INTO A PLACE OF BUSINESS.

Summary of Legislation

Under existing law, an individual is justified in using deadly force against another person if the other person has unlawfully entered the individual's dwelling and the individual believes that the other person has committed a crime or intends to commit a crime and may use physical force against the occupant of the dwelling. Any use of physical or deadly force by the occupant in this situation is immune from prosecution.

This bill expands that law to provide immunity to an owner, manager, or an employee who uses deadly force against another person in a place of business under the same circumstances. It also provides immunity for individuals to use deadly force if it is necessary to prevent another person, who is unlawfully trespassing, from committing first degree arson. The bill was postponed indefinitely by the State Veterans & Military Affairs Committee on January 28, 2009.

Assessment

This bill may increase the length and complexity of cases in which deadly force has occurred; however, these cases are rare and any increase in workload for the courts would be minimal. Therefore, the bill will not affect state or local revenue or expenditures and is assessed as having no fiscal impact.

Departments Contacted

Corrections

Judicial

Public Safety

Law